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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,523	05/22/2001	Steven Derrick Clynes	TI-32423	1218

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EXAMINER

MOE, AUNG SOE

ART UNIT PAPER NUMBER

2685

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/862,523

Applicant(s)

CLYNES ET AL.

Examiner

Aung S. Moe

Art Unit

2685

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 112.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,3-13,17,18 and 20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


Aung S. Moe
Primary Examiner
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Response to Arguments

1. Applicant's arguments filed on 8/5/2005 have been fully considered but they are not persuasive.

In page 7 of the remarks, the Applicant alleged that the elements A, B and C refer to "luminance value" as shown in Figs. 3a-3j of Chen '578 is not pixel values.

In response, the Examiner respectfully disagrees because Chen '578 clearly stated in col. 6, lines 30+ that "For instant in Figure 3a through 3j, each drawing illustrates a group of three neighboring pixels in the image signal. The pixels are illustrated as bars, which bars correspond to the luminance value for the given pixel. For instant in Figure 3a, the pixel B 52 has a luminance value greater than that of the pixel A 50 and the pixel C 54." In view of this, it is cleared that as light reaches a pixel (i.e., noted the sensor array 6 and the pixel arrays as shown in Figs. 4a-4c and 6), that pixel converts the light into an electrical signal that is indicative of the light's intensity (i.e., "luminance value" as shown in Figs. 3a-3j) to shown the image changes from dark to light, and this is clearly anticipated the "pixel values" as required by the present claimed invention.

Furthermore, the Applicant alleged that Chen '578 does not show or suggest the presently claimed invention including the method step of detecting the lowest pixel value among the adjacent pixels.

In response, the Examiner respectfully disagrees because Chen '578 clearly shown, e.g., in Figs. 3a-3j, how to determining the lowest pixel value among the adjacent pixels. For example, it is clear form Figs. 3a-3j of Chen '578 that one of the lowest pixel value among the adjacent pixels is considered to be the lowest pixel value, and this is further evidenced by Chen

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'578 as discussed in col. 6, lines 30+. In particular, Chen '578 stated in col. 6, lines 30+ that in FIG 3a, the pixel B 52 has a luminance value greater than that of the pixel A 50 and the pixel C 54 has a luminance value greater than that of the pixel B 52, and this clearly implied that the pixel value of "A 50" is determined to be the lowest among the adjacent pixels "B 52" and "C 54".

In addition, Chen '578 discloses the steps of resetting the process pixel value to a new process pixel value (i.e., Replacing the pixel value B with a new pixel value B_{corrected}; see col. 9, lines 45+) when the process pixel value is a predetermined value (i.e., noted the value as shown in Fig. 3j) lower than the lowest pixel value (noted from Fig. 3j, a predetermined value is lower than the lowest pixel value A, then the pixel value B is replaced with a new pixel value B_{corrected}; see col. 9, lines 45+).

In view of the above, the Examiner continues to assert that Chen '578 does in fact show the present claimed invention as required, and the Examiner will maintain the previous Final Office.


2. Applicant's arguments, see page 6 of the remarks, filed on 8/5/2005, with respect to 35 U.S.C. 112 have been fully considered and are persuasive. The 35 U.S.C. 112 rejection of claim 17 has been withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung S. Moe whose telephone number is 571-272-7314. The examiner can normally be reached on Flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aung S. Moe
Primary Examiner
Art Unit 2685

A. Moe
August 12, 2005